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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WILSON,

Plaintiff,

No. CIV S-05-0876 LKK JFM P

vs.

JEANNE WOODFORD, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he suffers from mental illness and participates in the Enhanced Outpatient Program (EOP) in the California Department of Corrections. In his second amended complaint, filed September 19, 2005, plaintiff raises claims under the Americans with Disabilities Act and the Rehabilitation Act that EOP inmates: “1) are not permitted to attend school full time; 2) are not permitted to attend GED classes or receive vocational training; 3) do not receive the same yard time; 4) receive less access to the law library; 5) are not permitted to attend church services; 6) are denied group therapy; 7) are not permitted to be members of or are denied equal access to the Men’s Advisory Committee;” and do not, based on their disability, receive group therapy or equal yard time. (Order filed Nov. 1, 2005 ((ECF No. 25), at 3; see also Findings and Recommendations, filed Nov. 1, 2005 (ECF No. 24) and Order thereon filed Mar.

1 24, 2006 (ECF No. 41).) The sole defendant named in this action is the California Department of  
2 Corrections<sup>1</sup>. (See Order filed Nov. 1, 2005 (ECF No. 25), at 1.) Plaintiff seeks injunctive relief  
3 and attorneys' fees. (Second Amended Complaint, filed Sept. 19, 2005 (ECF No. 19), at xxiii-  
4 xxv.)

5 On December 14, 2012, plaintiff filed a document styled "Plaintiffs Notice of  
6 Motion and Brief in Support of Motion for Enforcement and Sanctions CMF-Vacaville  
7 Discrimination Relief and Intervention." (ECF No. 74.) On January 30, 2013, plaintiff filed a  
8 motion for entry of default (ECF No. 75) based on defendants' failure to respond to his  
9 December 14, 2012 motion.

10 By order filed May 2, 2006 (ECF No. 45), this action was related to, inter alia, a  
11 class action pending in this court, Coleman v. Wilson, No. CIV S-90-0520 LKK JFM P, and a  
12 proposed class action also pending in this court, Hecker v. California Department of Corrections  
13 and Rehabilitation, No. CIV S-05-2441 LKK JFM P. Subsequently, by order filed March 27,  
14 2007 (ECF No. 69), this action was stayed pending referral of the related case, Hecker v.  
15 California Department of Corrections and Rehabilitation, No. CIV 2:05-cv-2441 LKK JFM P, to  
16 the Special Master in Coleman v. Brown, No. 2:90-cv-0520 LKK JFM P for a report and  
17 recommendation as to whether the claims raised in Hecker herein can be resolved within the  
18 remedial phase of Coleman.<sup>2</sup> The stay of this action remains in full force and effect. Defendants  
19 are not, therefore, required to respond to plaintiff's motion at this time.

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21 <sup>1</sup> Now known as the California Department of Corrections and Rehabilitation.

22 <sup>2</sup> Currently, the parties in Hecker are in a court-ordered meet and confer process to "(1)  
23 identify which, if any, issues raised in the second amended complaint have been resolved through  
24 the Coleman remedial process; (2) identify which, if any, issues raised in the second amended  
25 complaint remain in dispute; (3) as to any remaining issues so identified, which of those are or  
26 could be resolved in the Coleman remedial process; and (4) which, if any, of the claims raised in  
the second amended complaint cannot be resolved through the Coleman remedial process and  
why they cannot be so resolved." Order filed Oct. 19, 2012 in Hecker, No. 2:05-cv-2441 LKK  
JFM P (ECF No. 102) at 2. See also Order filed Apr. 12, 2013 in Hecker (ECF No. 107).

1 For the foregoing reasons, plaintiff's motion for enforcement and sanctions will  
2 be denied without prejudice, and plaintiff's motion for default will be denied.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Plaintiff's December 14, 2012 motion (ECF No. 74) is denied without  
5 prejudice; and

6 2. Plaintiff's January 30, 2013 motion for default and sanctions (ECF No. 75) is  
7 denied.

8 DATED: April 22, 2013.

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12 DALE A. DROZD  
13 UNITED STATES MAGISTRATE JUDGE

14 <sup>12</sup>  
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